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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,754	06/25/2003	Jeffrey Alan Pestreue	EOD-122-A	2138

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT PAPER NUMBER

3634

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,754	Applicant(s) PESTRUE ET AL.	
	Examiner Alvin C. Chin-Shue	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase “the primary area”, as set forth in claim 1, lacks antecedent basis. In claim 20, it appears that “arm arm” should be arm.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy in view of Maxwell or Huntley, and Talley, Sr. Purdy shows the claimed stand with the exception of the pivotally connected seat and the plurality of securing members. Maxwell shows a pivotal seat 101 with spaced support connection/limit bar 106. Huntley shows a pivotal seat 23 with limit bar 26. Talley shows securing members at 130,134. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Purdy with a pivotally connected seat, as taught by either Maxwell or Huntley, to enable a user

to have a greater standing area, and to comprise additional securing member, as taught by Talley, to enhance attachment to a tree.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, Jr. in view of Talley, Sr. Graham shows the claimed stand (having rails 14 and a U-shaped brace 12) with the exception of the plurality of securing members. Talley shows securing members at 130,134. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Graham with a securing member, as taught by Talley, to enhance attachment to a tree.

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, Jr. and Talley, Sr., as applied to claim 21 above, and further in view of Carrillo et al. Carrillo shows an implement rest secured under a seat. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Graham with an implement rest, as taught by Carrillo, to enable the supporting of an implement.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Graham, Jr. and Talley, Sr., as applied to claim 21 above, and further in view of Craig. Craig in fig.1 shows an implement rest 9 secured to a seat support 7a. It would have been obvious to one of ordinary skill in the art at the time the invention

was made to provide Graham with an implement rest, as taught by Craig, to enable the supporting of an implement.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brack, Jr. in view of Heath and Talley. Brack shows the claimed stand with the exception of the pivotally connected seat and the plurality of securing members. Heath in fig. 4 shows a pivotal seat 4. Talley shows securing members at 130,134. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Brack with a pivotally connected seat, as taught by Heath, to enable a user to have a greater standing area, and to comprise additional securing member, as taught by Talley, to enhance attachment to a tree.

Claims 12-14,16,18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brack, Jr. and Talley, Sr., as applied to claim 21 above, and further in view of Phillips. Phillips shows an implement rest 94. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Brack with an implement rest, as taught by Phillips, to enable the supporting of an implement.

Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy, Maxwell or Huntley, and Talley, as applied to claim 1 above, and further in view of Craig. Craig shows an implement rest 9 connected to a platform

support member 7a. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Purdy with an implement rest on his platform support member 84, as taught by Craig, for supporting an implement.

Claims 2,7,8,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Purdy, Maxwell or Huntley, and Talley, as applied to claim 1 above, and further in view of Craig. Craig in fig.3 shows an implement rest comprising an extension arm at 50 with a swing arm portion attached to the dogleg 51 with an implement rest 40 attached thereto supported in a tubular seat-supporting member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Purdy with an implement rest supported in his tubular seat supporting brace 6, as taught by Craig, for supporting an implement.

Applicant's arguments with respect to claims 1-16 and 18-21 have been considered but are moot in view of the new ground(s) of rejection.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 571-272-6828. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alvin C. Chin-Shue
Examiner
Art Unit 3634

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